

REMARKS

Restriction Requirement

In the Restriction Requirement mailed April 1, 2010, the Examiner divided the claims into 4 Groups.

For the purposes of initiating prosecution with respect to this application, Applicant elects:

Group I, Claims 1-6.

This election is with traverse.

As the Examiner understands, the present application is a national stage (35 U.S.C. § 371) application. Thus, the unity of invention rules of the international stage application also apply to this national stage application as set forth, for example, in MPEP §§ 801, 802, 1850, 1893.03(d) and 1896.

It is important to note that in the international stage application of this national stage application, unity of invention of claims 1-19 was found. Therefore, this national stage application should be entitled to a strong presumption that the required unity of invention exists.

In the present case, an alleged lack of unity of invention was found because a technical feature “does not make a contribution over prior art...” See the Office Action at page 3. However, that analysis was apparently made based on a combination of multiple prior art references, and an allegation of inherency based on Applicant’s own disclosure. See paragraph 9 of the Office Action.

Applicants respectfully submit that the Office Action's use of inherency in the present case is improper, and as used in the Office Action fails to show that any technical feature was known in the prior art. On the other hand, the Office Action readily acknowledges that there are multiple deficiencies in the prior art, including at least a teaching of an electronically conductive polymer that can be used in the hole injection layer that is insoluble in alcohols.

Additionally, there was no analysis of Groups I and III, Groups I and IV, Groups II and IV, and Groups II and III, for example. As stated above, unity of invention of claims 1-19 was found in the International Stage.

Accordingly, withdrawal of the restriction requirement and examination of all claims 1-19 is respectfully solicited.

Rejoinder

Applicant specifically reserve the right to rejoin the claims of at least Group II pursuant to the rejoinder procedures set forth in M.P.E.P. § 820.04, upon the allowance of the elected claims.

Petition for an Extension of Time

Pursuant to the provisions of 37 C.F.R. §§ 1.17, 1.136(a), the Applicants hereby petition for an extension of time of two (2) months to July 1, 2010 for the period in which to file a response to the outstanding Office Action.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with this amendment to Deposit Account 50-2752.

If the Examiner has any questions concerning this election or the Application in general, he is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Richard S. Myers, Jr.", is positioned above the printed name and contact information.

Richard S. Myers, Jr.
Registration No. 42,022
STITES & HARBISON
Customer No. 32885
Attorneys for Applicant